

September 5, 2007

*Via Electronic Mail*

***WAIVER—EXPEDITED ACTION REQUESTED***

Mr. Derek Poarch  
Chief, Public Safety and Homeland Security Bureau  
Federal Communications Commission  
Washington, D.C. 20554

*Re: Request for Waiver of Pierce Transit, Matter of Service Rules for the 698-746, 747-762 and 777-792 MHz Bands et al., WT Docket No. 06-150, PS Docket NO. 06-229, WT Docket No. 96-86, FCC 07-132 ("700 MHz Second Report and Order")*

Dear Mr. Poarch:

Further to the request of Dana Shaffer, Deputy Chief of the FCC's Public Safety and Homeland Security Bureau, Pierce Transit hereby supplements its August 30, 2007, waiver request (the "August 30 Waiver Request") to certain requirements in the 700 MHz Second Report and Order in order to include several additional items requested by Ms. Shaffer. In all other respects, the information contained in the August 30 Waiver Request remains unchanged. Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the August 30 Waiver Request.

1. Attachment A, hereto are relevant excerpts from Pierce Transit's 700 MHz equipment contract with Motorola (the "Motorola Agreement") showing the effective date of that agreement.
2. Attachment B, hereto lists all equipment that has been received under the Motorola Agreement and Pierce Transit certifies that this is the equipment that will need to be relocated in the future in connection with the reconfiguration of the 700 MHz Band.
3. Attachment C hereto is a summary of the equipment that is deployed and operating in the field as of August 30, 2007, as well as the current deployment schedule showing projected numbers of base stations and radios that will be activated between now and the conclusion of our project.

4. The 700 MHz equipment that Pierce Transit has received is incompatible with and not interoperable with our existing 900 MHz system.
5. Pierce Transit is respectfully requesting a waiver of the August 30, 2007 Deadline for operating new systems in the recently reconfigured frequency bands of the 700 MHz spectrum until June 30, 2008. Pierce Transit understands that if we are granted new frequencies prior to the end of this requested waiver that we will immediately prepare to move to the new channels.
6. Finally, Pierce Transit is requesting a waiver of the requirement in the 700 MHz Second Report and Order to certify equipment in the 700 MHz Band deployed as of August 30, 2007.

Please feel free to contact Ron Moyer at (253) 581-8022 or [rmoyer@piercetransit.org](mailto:rmoyer@piercetransit.org) if you have questions or need further information to support a favorable decision. I look forward to your response to our request.

Respectfully submitted,



Lynne Griffith  
Chief Executive Officer

Attachments

cc: Dana Shaffer, Deputy Chief, Public Safety and Homeland Security Bureau  
Jeff Cohen, Senior Legal Counsel  
Jon Wiswell, Region 43 – 700 MHz Planning Committee Chair  
Martin Stern, Esq., K&L Gates  
John Eagler, Macro Corporation  
Lenny Gemar, Motorola

**Attachment A –Pierce Transit Contract PT-10-05 (Excerpt)**

*Master Agreement with Motorola for Design and Implementation of a Radio and CAD/AVL  
System (Excerpt)*

**MASTER AGREEMENT**  
**PT-10-05**  
**BETWEEN MOTOROLA AND PIERCE TRANSIT**  
**FOR DESIGN AND IMPLEMENTATION OF A RADIO AND**  
**CAD/AVL SYSTEM**

*Signed 12/1/06*

**TABLE OF CONTENTS**

1. GENERAL INFORMATION AND INSTRUCTIONS TO PROPOSERS REVISED AND INCORPORATED .....	1
1.1. INTRODUCTION .....	1
1.2. NOT USED .....	1
1.3. CODE ESCROW .....	1
1.4. CONTRACTOR'S ACKNOWLEDGEMENT .....	1
1.5. TYPE OF CONTRACT .....	2
1.6. DEFECTS .....	2
1.7. LEGAL COMPLIANCE .....	3
1.8. AFFIRMATIVE ACTION .....	3
1.9. KEY PERSONNEL AND FACILITIES .....	3
1.10. TERMS AND CONDITIONS .....	3
1.11. DEFINITIONS .....	3
2. NOT USED .....	5
3. NOT USED .....	5
4. GENERAL CONDITIONS .....	5
4.1. UNAVOIDABLE DELAYS .....	5
4.2. NOTIFICATION OF DELAY .....	6
4.3. REQUEST FOR EXTENSION .....	6
4.4. PAYMENT .....	6
4.5. LIQUIDATED DAMAGES .....	6
4.6. NON-PERFORMANCE .....	7
4.7. PROPERTY RIGHTS .....	7
4.8. CONTRACTOR RELATIONSHIP .....	7
4.9. CONTRACTOR'S RESPONSIBILITIES .....	8
4.10. DESIGNATED EMPLOYEES .....	8
4.11. ETHICS .....	8
4.12. ASSIGNMENT .....	9
4.13. WAGE AND HOUR LAW COMPLIANCE .....	9
4.14. SOCIAL SECURITY AND OTHER TAXES .....	9
4.15. INSURANCE .....	9
4.16. INDEMNIFICATION AGREEMENT AND LIABILITY LIMIT .....	10
4.17. CONTENT AND UNDERSTANDING .....	12
4.18. ATTORNEY'S FEES .....	12
4.19. NOTICES .....	12
4.20. CHANGES .....	13

4.21.	GOVERNING LAW AND VENUE .....	13
4.22.	SYSTEM ACCEPTANCE.....	13
4.23.	DELAYS AND CHANGES .....	14
4.24.	SEVERABILITY.....	16
5.	REQUIREMENTS OF THE DEPARTMENT OF TRANSPORTATION – FEDERAL TRANSIT ADMINISTRATION.....	16
5.1.	CLAUSES APPLICABLE TO ALL CONTRACTS.....	16
5.2.	CONTRACTS OVER \$100,000.00.....	23
5.3.	NOT USED .....	24
5.4.	AIR/WATER TRANSPORTATION/BUY AMERICA (Contracts over \$100,000.00).....	24
5.5.	ADMINISTRATION OF RECORDS/RESEARCH/RECYCLED PRODUCT .....	26
5.6.	CONSTRUCTION.....	26
6.	SUPPLEMENTAL CONDITIONS.....	36
6.1.	GENERAL.....	36
6.2.	CONTRACT REQUIREMENTS .....	37
6.3.	CLAIMS, DISPUTES AND OTHER MATTERS .....	39
6.4.	ALTERNATIVE DISPUTE RESOLUTION .....	43
6.5.	DELAYS AND EXTENSIONS OF TIME.....	44
6.6.	CONDITIONAL ACCEPTANCE.....	46
6.7.	WARRANTY OF WORK .....	46
6.8.	HAZARDOUS CONDITIONS .....	48
6.9.	AVAILABILITY OF LANDS, SUBSURFACE AND PHYSICAL CONDITIONS, AND REFERENCE POINTS .....	48
6.10.	BONDS .....	49
6.11.	SERVICE, MATERIALS AND EQUIPMENT .....	50
6.12.	TAXES.....	51

### EXHIBITS

Exhibit A - Technical and Implementation Documents  
 Exhibit B - Software License Agreement  
 Exhibit C - Payment Schedule  
 Exhibit D - Preliminary Project Schedule  
 Exhibit E - Enhanced System Support (For Maintenance During Warranty)  
 Exhibit F - System Acceptance Certificate  
 Exhibit G - Price List including Optional Pricing  
 Exhibit H - Forms and Certificates Exhibit  
 Exhibit J - "Statement of Work"  
 Exhibit I - System Description  
 Exhibit K - Voice Coverage Test Plan  
 Exhibit L - Microwave Field Test Plan  
 Exhibit M - Voice Traffic Analysis  
 Exhibit N - Microwave Path Profiles  
 Exhibit O - System Drawings  
 Exhibit P - Coverage Maps  
 Exhibit Q - Itemized Deliverable List

Exhibit R - Training Plan

## **1. GENERAL INFORMATION AND INSTRUCTIONS TO PROPOSERS REVISED AND INCORPORATED**

This Agreement is made this 1st day of March, 2006, between the Pierce County Transportation Benefit Area Corporation (hereinafter referred to as "Pierce Transit") and Motorola, Inc, (hereinafter referred to as "Contractor")

### **1.1. INTRODUCTION**

Pierce Transit sought proposals for a CAD/AVL System. The term "CAD/AVL System" is used to encompass ALL hardware, software, and services being procured under this Master Agreement, INCLUDING all radio system hardware, software and services. Although specific references are made to the "radio system", the radio system is a component of the overall CAD/AVL System, as defined herein. Procurement was made by a competitive negotiated method as described in Section III. A pre-proposal conference was held on April 4, 2005 at 9:00 a.m. at Pierce Transit's Lakewood Training Center, 6132 Motor Avenue, Colonial Center, Lakewood, WA 98499. Proposals were received by Pierce Transit, Purchasing Department not later than 4:00 p.m. on July 25, 2005.

**The Contract Documents resulting from this Request for Proposals are this Master Agreement consisting of the referenced and incorporated documents and law herein and two Task Orders. Task Order 1 system design and completion of the entire voice and data radio system (See Section 1 and 10, Exhibit A); Task Order 2 completion of CAD/AVL system including required integration (See Section 1 – 9, Exhibit A).**

### **1.2. NOT USED**

### **1.3. CODE ESCROW**

Pierce Transit requires that all source code, software maintenance tools, data, and other system files required for maintaining and modifying the CAD/AVL System software be placed in escrow, pursuant to a Source Code Escrow Agreement between Pierce Transit and the CAD/AVL System Subcontractor, to ensure its availability in the event the Contractor or a Subcontractor becomes financially insolvent or otherwise becomes unwilling or unable to perform future software maintenance required by Pierce Transit.

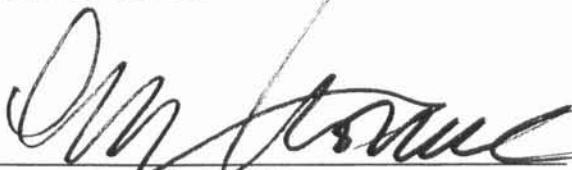
### **1.4. CONTRACTOR'S ACKNOWLEDGEMENT**

The Contractor will be deemed to have certified to Pierce Transit that the Contractor has fully investigated and become completely familiar with the Contract Document requirements, operating conditions throughout Pierce Transit's service area and applicable local, state and federal laws and regulations relating to the Master Agreement. Pierce Transit will not consider claims for additional compensation based upon the contractor's lack of knowledge of such documents, statutes,

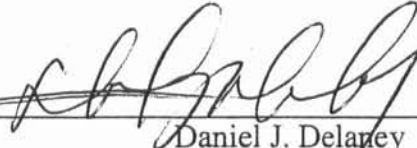
IN WITNESS THEREOF, the parties hereto have signed this Agreement on the day and year as written above.

**PIERCE COUNTY PUBLIC  
TRANSPORTATION BENEFIT AREA  
CORPORATION**

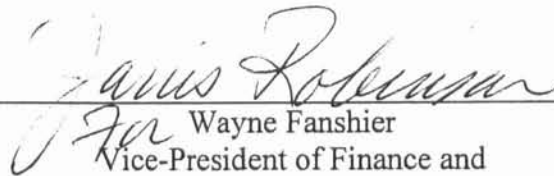
**MOTOROLA, INC.**



Don S. Monroe  
Chief Executive Officer

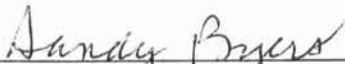


Daniel J. Delaney  
MCEI Vice President and Director, Sales



Wayne Fanshier  
Vice-President of Finance and  
Administration

ATTEST:



Sandy Byers, CMC  
Clerk of the Board



## Attachment B

**Pierce Transit****700 MHz Equipment List and Description**

Pierce Transit Equipment - RF Sites

Site	Bidltm	Qty	Nomenclature	Description
<b>Puyallup Site</b>				
Puyallup	Misc	5	DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Puyallup	Misc	4	DQSB86283D084FB	COOPER B LINE CABLE MGMT
Puyallup	Misc	4	DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Puyallup	Misc	1	DSMPS16T1	16 T1 PROTECTOR
Puyallup	Misc	1	DS1400	120V 2-20A RACK MOUNT SURGE PROTECT
Puyallup	PrimeCntrl	2	T7038	GCP 8000 SITE CONTROLLER
Puyallup	Prime ATAC	8	T6507	ASTRO-TAC 9600 COMPARATOR
Puyallup	TeNSr	2	DSPREM891830	UNIVERSAL ENCLOSURE TENSr 800 CHANNEL BANK
Puyallup	Network	2	ST6000	S6000 MNR MULTI-PROTOCOL ROUTER
Puyallup	Network	2	ST6010	S6000 4-PORT ULTRAWAN MODULE
Puyallup	Network	2	DSJ4900B	HP PROCURVE SWITCH 2626B
Puyallup	Trak	1	DSTRAK91008DC	PRIME/MASTER SITE CONFIG DC POWER
Puyallup	Trak	2	DSTRAK91061	FOUR PORT DDM
Puyallup	GTR8000	8	T7039	GTR 8000 BASE RADIO
Puyallup	GTR8000	8	X153AW	ADD: RACK MOUNT HARDWARE
Puyallup	GTR8000	8	CA00855AA	ADD: 700/800 MHZ MID POWER
Puyallup	GTR8000	8	CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Puyallup	GTR8000	8	CA00882AA	ADD: 700 MHZ TX FILTER
Puyallup	TXRX Mux	1	DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Puyallup	Network	1	DSJ4900B	HP PROCURVE SWITCH 2626B
Puyallup	AntennaSys	1	DB860-A	TX ANTENNA
Puyallup	AntennaSys	1	DB860-A	RX ANTENNA
Puyallup	AntennaSys	2	AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC
<b>Indian Hill Site</b>				
IndianHill	Misc	3	DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
IndianHill	Misc	2	DQSB86283D084FB	COOPER B LINE CABLE MGMT
IndianHill	Misc	2	DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
IndianHill	Misc	1	DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
IndianHill	TeNSr	1	DSPREM891830	UNIVERSAL ENCLOSURE TENSr 800 CHANNEL BANK
IndianHill	GTR8000	8	T7039	GTR 8000 BASE RADIO
IndianHill	GTR8000	8	X153AW	ADD: RACK MOUNT HARDWARE
IndianHill	GTR8000	8	CA00855AA	ADD: 700/800 MHZ MID POWER
IndianHill	GTR8000	8	CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
IndianHill	GTR8000	8	CA00882AA	ADD: 700 MHZ TX FILTER
IndianHill	TXRX Mux	1	DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
IndianHill	Network	1	ST2500	S2500 MULTIPROTOCOL WAN ROUTER
IndianHill	Network	1	ST2511	S2500 FLEXWAN DAUGHTER BOARD
IndianHill	Network	1	DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
IndianHill	Network	1	DSJ4900B	HP PROCURVE SWITCH 2626B
IndianHill	Trak	1	DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
IndianHill	Trak	2	DSTRAK91061	FOUR PORT DDM
IndianHill	AntennaSys	1	LPA-75063-4CF	TX ANTENNA
IndianHill	AntennaSys	1	DB878H120E	RX ANTENNA
IndianHill	AntennaSys	2	AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC
<b>Purdy Transfer Station Site</b>				
Purdy	Misc	3	DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Purdy	Misc	2	DQSB86283D084FB	COOPER B LINE CABLE MGMT
Purdy	Misc	2	DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Purdy	Misc	1	DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
Purdy	TeNSr	1	DSPREM891830	UNIVERSAL ENCLOSURE TENSr 800 CHANNEL BANK
Purdy	GTR8000	8	T7039	GTR 8000 BASE RADIO
Purdy	GTR8000	8	X153AW	ADD: RACK MOUNT HARDWARE
Purdy	GTR8000	8	CA00855AA	ADD: 700/800 MHZ MID POWER
Purdy	GTR8000	8	CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Purdy	GTR8000	8	CA00882AA	ADD: 700 MHZ TX FILTER

## Attachment B

**Pierce Transit****700 MHz Equipment List and Description**

Purdy	TXRX Mux	1 DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Purdy	Network	1 ST2500	S2500 MULTIPROTOCOL WAN ROUTER
Purdy	Network	1 ST2511	S2500 FLEXWAN DAUGHTER BOARD
Purdy	Network	1 DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
Purdy	Network	1 DSJ4900B	HP PROCURVE SWITCH 2626B
Purdy	Trak	1 DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
Purdy	Trak	2 DSTRAK91061	FOUR PORT DDM
Purdy	AntennaSys	1 DB844H90E	TX ANTENNA
Purdy	AntennaSys	1 DB878H120E	RX ANTENNA
Purdy	AntennaSys	2 AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC

**Top Hat Site**

Top Hat	Misc	3 DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Top Hat	Misc	2 DQSB86283D084FB	COOPER B LINE CABLE MGMT
Top Hat	Misc	2 DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Top Hat	Misc	1 DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
Top Hat	TeNSr	1 DSPREM891830	UNIVERSAL ENCLOSURE TENSr 800 CHANNEL BANK
Top Hat	GTR8000	8 T7039	GTR 8000 BASE RADIO
Top Hat	GTR8000	8 X153AW	ADD: RACK MOUNT HARDWARE
Top Hat	GTR8000	8 CA00855AA	ADD: 700/800 MHZ MID POWER
Top Hat	GTR8000	8 CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Top Hat	GTR8000	8 CA00882AA	ADD: 700 MHZ TX FILTER
Top Hat	TXRX Mux	1 DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Top Hat	Network	1 ST2500	S2500 MULTIPROTOCOL WAN ROUTER
Top Hat	Network	1 ST2511	S2500 FLEXWAN DAUGHTER BOARD
Top Hat	Network	1 DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
Top Hat	Network	1 DSJ4900B	HP PROCURVE SWITCH 2626B
Top Hat	Trak	1 DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
Top Hat	Trak	2 DSTRAK91061	FOUR PORT DDM
Top Hat	AntennaSys	1 DB844H90E	TX ANTENNA
Top Hat	AntennaSys	1 DB878H120E	RX ANTENNA
Top Hat	AntennaSys	2 AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC

**Graham Hill Site**

Graham	Misc	3 DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Graham	Misc	2 DQSB86283D084FB	COOPER B LINE CABLE MGMT
Graham	Misc	2 DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Graham	Misc	1 DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
Graham	TeNSr	1 DSPREM891830	UNIVERSAL ENCLOSURE TENSr 800 CHANNEL BANK
Graham	GTR8000	8 T7039	GTR 8000 BASE RADIO
Graham	GTR8000	8 X153AW	ADD: RACK MOUNT HARDWARE
Graham	GTR8000	8 CA00855AA	ADD: 700/800 MHZ MID POWER
Graham	GTR8000	8 CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Graham	GTR8000	8 CA00882AA	ADD: 700 MHZ TX FILTER
Graham	TXRX Mux	1 DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Graham	Network	1 ST2500	S2500 MULTIPROTOCOL WAN ROUTER
Graham	Network	1 ST2511	S2500 FLEXWAN DAUGHTER BOARD
Graham	Network	1 DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
Graham	Network	1 DSJ4900B	HP PROCURVE SWITCH 2626B
Graham	Trak	1 DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
Graham	Trak	2 DSTRAK91061	FOUR PORT DDM
Graham	AntennaSys	1 DB878H120E	TX ANTENNA
Graham	AntennaSys	1 DB878H120E	RX ANTENNA
Graham	AntennaSys	2 AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC

**Hemlock Site**

Hemlock	Misc	3 DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Hemlock	Misc	2 DQSB86283D084FB	COOPER B LINE CABLE MGMT
Hemlock	Misc	2 DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Hemlock	Misc	1 DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
Hemlock	TeNSr	1 DSPREM891830	UNIVERSAL ENCLOSURE TENSr 800 CHANNEL BANK
Hemlock	GTR8000	8 T7039	GTR 8000 BASE RADIO

## Attachment B

**Pierce Transit****700 MHz Equipment List and Description**

Hemlock	GTR8000	8 X153AW	ADD: RACK MOUNT HARDWARE
Hemlock	GTR8000	8 CA00855AA	ADD: 700/800 MHZ MID POWER
Hemlock	GTR8000	8 CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Hemlock	GTR8000	8 CA00882AA	ADD: 700 MHZ TX FILTER
Hemlock	TXRX Mux	1 DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Hemlock	Network	1 ST2500	S2500 MULTIPROTOCOL WAN ROUTER
Hemlock	Network	1 ST2511	S2500 FLEXWAN DAUGHTER BOARD
Hemlock	Network	1 DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
Hemlock	Network	1 DSJ4900B	HP PROCURVE SWITCH 2626B
Hemlock	Trak	1 DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
Hemlock	Trak	2 DSTRAK91061	FOUR PORT DDM
Hemlock	AntennaSys	1 DB844H90E	TX ANTENNA
Hemlock	AntennaSys	1 DB878H120E	RX ANTENNA
Hemlock	AntennaSys	2 AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC

**Subscriber Radios**

Subscriber	Mobile	411 M20URS9PW1 N	XTL 5000 MOBILE 10-35 WATT, 764-870MHZ
Subscriber	Mobile	128 M20URS9PW1 N	XTL 5000 MOBILE 10-35 WATT, 764-870MHZ
Subscriber	Portable	15 H46UCD9PW5 N	PORTABLE ASTRO DIGITAL XTS 2500 764
Subscriber	Portable	98 H66UCD9PW5 N	ASTRO DIGITAL XTS1500 MODEL 1.5 764
Subscriber	Consolette	5 L20URS9PW1 N	10-35W 762-870MHZ XTL 5000 CONSOLET
	Total Subscribers	657	

Attachment C  
**Pierce Transit**  
 700 MHz System Equipment Deployment Plan

Month	Activities	Number of Base Stations	Number of Subscribers
Dec-06	Factory Test of System	48	657
Aug-07	Install and Test 3 sites	24	3
Sep-07	Install and Test 1 site	8	1
Oct-07	Install and Test 2 sites	16	3
Oct-07	Install and Test Backup control stations	0	5
Nov-07	Install Test Vehicles	0	10
Feb-07	Install Minifleet Vehicles	0	10
Mar-07	Fleet Installation & Portable Deployment	0	165
Apr-07	Fleet Installation & Portable Deployment	0	180
May-07	Fleet Installation & Portable Deployment	0	180
Jun-07	Fleet Installation & Portable Deployment	0	100
	<b>Total</b>	<b>48</b>	<b>657</b>

Aug-30-2007